

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

WILLIAM R. DAVIS, as executor of the estate of
James W. Davis, Sr., deceased,

Plaintiff and Counterclaim Defendant,

-against-

RAYMOND JAMES & ASSOCIATES, INC.,

Defendant and Cross-claim Defendant,

and

CHRISTINE M. POFFENBARGER,

Defendant, Counterclaim Plaintiff,
Cross-claim Plaintiff and Third-Party
Plaintiff,

-against-

WILLIAM R. DAVIS, JAMES W. DAVIS, JR.,
LINDA M. TROUTT, and STAR ENTERPRISE,
INC.,

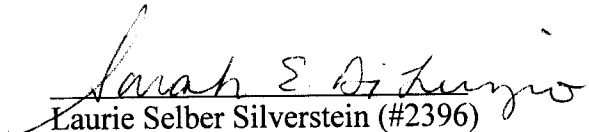
Third-Party Defendants.

Civil Action No. 05-288

**STAR ENTERPRISE, INC.'S MOTION TO DISMISS
THE THIRD PARTY COMPLAINT**

Third-Party Defendant Star Enterprise, Inc., hereby moves to dismiss the Third Party Complaint in this action pursuant to Fed. R. Civ. P. 12(b)(6), for failure to exhaust administrative remedies before bringing suit, and for such other and further relief that the Court deems just and proper. The grounds for this motion are fully set forth in Star Enterprise, Inc.'s Memorandum of Law in Support of Its Motion to Dismiss, filed contemporaneously herewith.

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Dated: May 17, 2005

682523/29119

CERTIFICATE OF SERVICE

I, Sarah E. Diluzio, hereby certify that on May 17, 2005, I electronically filed true and correct copies of the foregoing STAR ENTERPRISE, INC.'S MOTION TO DISMISS THE THIRD-PARTY COMPLAINT with the Clerk of the Court using CM/ECF which will send notification of such filing, which is available for viewing and downloading from CM/ECF, and hand delivered two (2) copies to the following counsel of record:

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